

### Remarks

Claims 1-28 are pending. Claims 1-8, 11-14 and 23 stand rejected under 35 USC §112. Claims 9-15 stand rejected under 35 USC §101. Claims 1-28 stand rejected under 35 USC 103(a). Claims 1, 2, 4-6, 9-13, 15-16, 19, 22-25 and 27 have been amended. Neither new claims nor new subject matter was added. Applicants respectfully traverse the rejections and assert that all claims are now in condition for allowance as more specifically set forth below.

### Interview Summary

The Examiner granted an interview on June 1, 2005. In that interview it was discussed that the references cited in the Office Action all taught subject matter that was capable of managing a single program initiative at a time. It was further discussed that in all of the cited references, the disclosed tasks, and subtasks, were interrelated with each other, temporally, to produce a single result, such as a software package implementation. In specific, Applicants pointed out that the claims were addressed to a method and system to manage independent program initiatives where each program initiative is accomplished independently of any other program initiative wherein further, each program initiative produces a project result independent of any other project result. The Examiner requested that the appropriate clarifying amendments and arguments be submitted in an amendment and response

### 112 Rejections

The Office Action has rejected claims 1-8, 11-14 and 23 as being indefinite for failing to particularly pointing out and distinctly claiming the subject matter which the Applicant regards as the invention. Claim 1 has been amended to change “and including” to read “including. Claims 5 and 6 have been amended to change the phrase “the manner” to read “said manner”. Claim 11 has been amended to establish proper antecedent basis by changing “the program initiative delivery process document” to read “a program initiative delivery process document” and claim 23 has been amended to remove the phrase “if any”.

It is unclear as to whether the Office Action rejected claims 12 and 13 under §112. Claims 12 and 13 depend from independent claim 9 and independent claim 9 does not stand rejected under §112 and no basis for rejecting claims 12 and 13 under §112 was presented by the Office Action. Applicants assume that the Office Action contains a typographical error and merely rejected only claims 11 and 14.

Amended claims 1, 5, 6, 11, 14 and 23 now are definite under §112. Dependent claims 2-4 and 7-8 depending from claim 1 are now definite for the same reasons and comply with 35 USC §112. As such, the rejections of claims 1-8, 11, 14 and 23 asserted by the Office Action under §112 should be withdrawn.

#### 101 Rejections

The Office Action has rejected claims 9-15 as being directed to non-statutory subject matter in that elements recited in claim 9 could be practiced mentally with pencil and paper. Claim 9 has been amended to recite, in part, “a computer implemented method for managing a plurality of program initiatives”. Claim 9 now recites an application tied to a technical art. As such, the §101 rejection should be withdrawn.

#### 103 Rejections

The Office Action has rejected claims 1-28 under 35 USC §103(a) as being unpatentable over various combinations of references including Breslin (US Pat 5,321,610), Saito (US Pat 6,578,006), Pyron (“Using Microsoft Project 98”) and Mahapatro (US Pat 5,321,610). Applicants respectfully traverse these rejections.

Independent claims 1, 9, 16 and 22 now recite elements not disclosed by the combination of these references. Namely each of these claims recites similar elements including at least two points not disclosed by the cited references, singly or in combination.

As a representative example, claim 1 recites in part a system for managing a plurality of program initiatives, wherein each program initiative is accomplished independently of any other program initiative wherein further, each program initiative produces a project result independent of any other project result and a jeopardy entered for each task for which a resource is not available when required.

Claims 1, 3-7

The Office Action rejects claims 1, 3-7 under 35 USC §103(a) as being obvious over Breslin in view of Saito. Breslin teaches a method and system of implementing a single specific system or software package. (Col. 1, l. 8-12). However, the office action appears to equate a “Phase” in Breslin with a “Program Initiative” as recited in the claims. (Col. 11, l. 18-30). Figures 3 and 4 of Breslin demonstrate a system for a single project with the multiple tasks or phases broken out. Breslin does not teach the management of multiple independent implementation projects each with multiple tasks. Breslin teaches that a task, and subtasks, are physically and temporally related to each other in order to complete a single project. There is no suggestion in Breslin to manage multiple independent software installations, with independent completion goals, simultaneously or to manage any other type of project other than software implementation. In addition, Breslin does not teach the use of a jeopardy to indicate the unavailability of a resource and the reason of the unavailability as it relates to other independent project initiatives.

Saito teaches a more general project management system. However Saito, like Breslin, is addressed to the management and tracking of a single project. (Abstract; Col. 1, l. 32-35). The office action appears to equate a “Phase” or “Work” in Saito with a “Program Initiative” as recited in the claims. Saito teaches that a project has work categories and work is divided into phases and tasks. Phases are connected linearly in the process definition . . .the business phases . . .form a network including branching and branch unification. (Col. 4, l. 43-46). Saito uses an example of a patent prosecution project (Fig. 3) in which the phases for an Information Management Unit work are patent prosecution documentation preparation, examination request and infringement counter measures. These phases must be accomplished in a serial fashion and therefore are all part of the same patent project not separate projects. In addition, Saito also does not teach the use of a jeopardy to indicate the unavailability of a resource as it relates to other project initiatives.

Pyron, like Saito and Breslin, is addressed to the management and tracking of a single project. (Page 202, Line 6). The Pyron reference does not disclose the management of multiple independent projects simultaneously nor the use of a jeopardy to

indicate the unavailability of a resource or the unavailability as it relates to other project initiatives.

Because the cited combinations fail to disclose each of the elements of the claims, claims 1, 3-7 are allowable over the cited combination of Breslin in view of Saito for at least these reasons.

### Claim 2

The Office Action rejects claim 2 under 35 USC §103(a) as being obvious over Breslin in view of Saito, further in view of Pyron and further still in view of Mahapatro. Claim 2 depends from claim 1 and has been amended to delete the recitation of a jeopardy entered for each task for which a resource is not available when required. The jeopardy subject matter is recited now in independent claim 1.

Mahapatro, like Pyron, Saito and Breslin, is addressed to the management and tracking of a single project. (Abstract; Col. 5, l. 13-14). None of the cited references, in any combination, teach the management of multiple independent projects nor do they teach the use of a jeopardy entered for each task for which a resource is not available when required wherein the jeopardy indicates a conflict of a resource with another task in another program initiative as recited in claim 1.

Because the cited combination fails to disclose each of the elements of the claims, claim 2 is allowable over the cited combination of Breslin in view of Saito, further in view of Pyron and further still in view of Mahapatro for at least these reasons.

### Claims 8-28

Independent claims 9, 16 and 22 each recite similar elements as discussed above in relation to claims 1-7, namely a system for managing a plurality of program initiatives, wherein each program initiative is accomplished independently of any other program initiative wherein further, each program initiative produces a project result independent of any other project result and a jeopardy entered for each task for which a resource is not available when required.

The combination of Breslin in view of Saito, further in view of Pyron and further still in view of Mahapatro fails to teach at least these two elements, as discussed above, in relation to claims 1-7. As such, any other combination or sub-combination of the cited

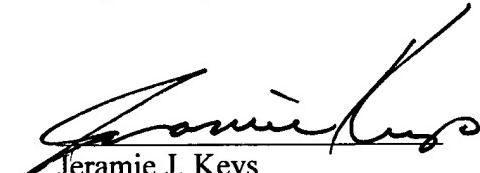
references also fail to teach at least these two elements. Therefore, independent claims 9, 16 and 22 are allowable over any sub-combination of Breslin, Pyron, Saito and Mahaparto. Dependent claims 10-15, 17-21 and 23-28 depend from allowable claims 9, 16 or 22 and are allowable for at least the same reasons.

Conclusion

Applicants assert that the application including claims 1-28 is in condition for allowance. Applicants respectfully request reconsideration in view of the remarks above, and further requests that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,



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